

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
JOY CHEN  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Joy\_Chen@fd.org  
6 Attorney for Enrique Herrera Baluena  
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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 ENRIQUE HERRERA BALUENA,  
14 Defendant.  
15

Case No. 2:23-cr-00049-JAD-NJK

**STIPULATION TO CONTINUE  
PRETRIAL MOTION DEADLINES**  
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
17 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel  
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
19 Joy Chen, Assistant Federal Public Defender, counsel for Enrique Herrera Baluena, that the  
20 pretrial motion deadlines currently due on June 23, 2023, be vacated and continued to a date  
21 and time convenient to the Court, but no sooner than thirty (30) days.  
22

23 This Stipulation is entered into for the following reasons:

- 24 1. Defense counsel needs additional time to review discovery.  
25 2. The defendant is out of custody and agrees with the need for the continuance.  
26 3. The parties agree to the continuance.

1           4.       Additionally, denial of this request for continuance could result in a miscarriage  
2 of justice. The additional time requested by this Stipulation is excludable in computing the time  
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
5 Section 3161(h)(7)(B)(i), (iv).

6           This is the second request for a continuance of the pretrial motion deadlines.

7           DATED: June 21, 2023.

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9           RENE L. VALLADARES  
10          Federal Public Defender

          JASON M. FRIERSON  
          United States Attorney

11          /s/ Joy Chen  
12          By \_\_\_\_\_  
13          JOY CHEN  
          Assistant Federal Public Defender

          /s/ Imani Dixon  
14          By \_\_\_\_\_  
15          IMANI DIXON  
16          Assistant United States Attorney

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE HERRERA BALUENA,

Defendant.

Case No. 2:23-cr-00049-JAD-NJK

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel needs additional time to review discovery.
2. The defendant is out of custody and agrees with the need for the continuance.
3. The parties agree to the continuance.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
2 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United  
3 States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).


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5 **ORDER**

6 IT IS THEREFORE ORDERED that the parties herein shall have to and including  
7 July 23, 2023, to file any and all pretrial motions and notice of defense.

8 IT IS FURTHER ORDERED that the parties herein shall have to and including  
9 August 6, 2023, to file any and all responses.

10 IT IS FURTHER ORDERED that the parties herein shall have to and including  
11 August 13, 2023, to file any and all replies.

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15 DATED this 25th day of June, 2023.

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18 UNITED STATES DISTRICT JUDGE  
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